

BEST AVAILABLE COPY

COPY

MVMDINC.019A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew Frazier, et al. )  
App. No. : 10/771,845 )  
Filed : February 4, 2004 )  
For : PATENT FORAMEN OVALE )  
CLOSURE SYSTEM )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this

Application No.: 10/771,845  
Filing Date: February 4, 2004

BEST AVAILABLE COPY

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ev3 Sunnyvale, Inc.

Dated: 10 Feb 2004

By: Rich Kusleika  
Rich Kusleika

Title: Director of Intellectual Property & Design  
Services, Research & Development

Address: 4600 Nathan Lane North  
Plymouth, MN 55442

H:\DOCS\SHL\SHL-9001.DOC  
020204

Application No.: 10/771,845  
Filing Date: February 4, 2004

BEST AVAILABLE COPY  
**COPY**

PATENT  
Client Code: MVMDINC.019A  
Page 1

ASSIGNMENT

WHEREAS, We, Andrew G.C. Frazier, a United States citizen, residing at 517 Fern Ridge Court, Sunnyvale, California, 94087, Alan R. Klenk, a United States citizen, residing at 4851 Clarendon Drive, San Jose, California, 95129, Alexander K. Khaikhahan, a United States citizen, residing at 1105 Lincoln Avenue, Palo Alto, California, 94301, Chad C. Roue, a United States citizen, residing at 845 Posada Way, Fremont, California, and Erik J. van der Burg, a United States citizen, residing at 587 Dawn Drive, Sunnyvale, California, 94087, have invented certain new and useful improvements in a PATENT FORAMEN OVALE CLOSURE SYSTEM for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, ev3 Sunnyvale, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 777 North Pastoria Avenue, Sunnyvale, California, 94086, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6 day of February, 2004.

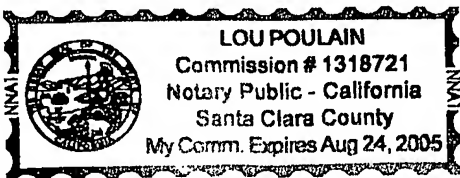
  
Andrew G. C. Frazier

STATE OF California }  
COUNTY OF Santa Clara } ss.

On Feb. 6, 2004, before me, Lou Poulain, personally appeared Andrew G. C. Frazier personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/771,845  
Filing Date: February 4, 2004

PATENT  
Client Code: MVMDINC.019A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of February, 2004.

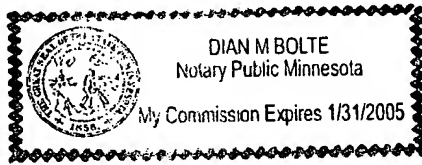
Alan R. Klenk  
Alan R. Klenk

STATE OF Minnesota }  
COUNTY OF Hennepin } ss.

On 5<sup>th</sup> of Feb 2004 before me, Alan R. Klenk, personally appeared Alan Klenk R. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Dian M. Bolte  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2004.

Alexander K. Khaikhahan  
Alexander K. Khaikhahan

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Alexander K. Khaikhahan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

BEST AVAILABLE COPY

Application No.: 10/771,845  
Filing Date: February 4, 2004

PATENT  
Client Code: MVMDINC.019A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Alan R. Klenk

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

}  
} ss.  
}

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Alan Klenk R. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6<sup>th</sup> day of Feb., 2004.

  
\_\_\_\_\_  
Alexander K. Khairkhahan

STATE OF California

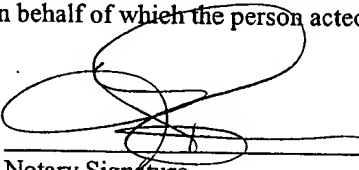
COUNTY OF Santa Clara

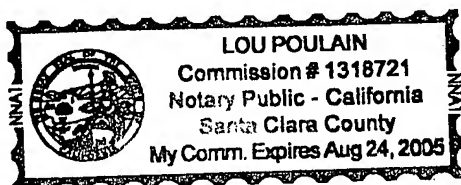
}  
} ss.  
}

On February 6, 2004, before me, Lou Poulain, personally appeared Alexander K. Khairkhahan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
\_\_\_\_\_  
Notary Signature




Application No.: 10/771,845  
Filing Date: February 4, 2004

BEST AVAILABLE COPY

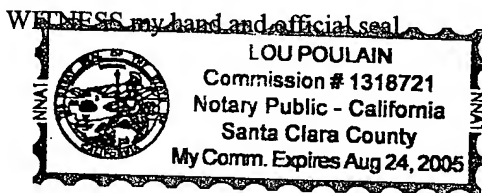
PATENT  
Client Code: MVMDINC.019A  
Page 3

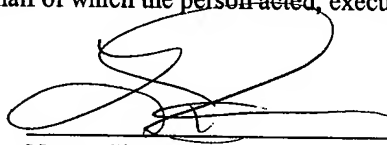
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6<sup>th</sup> day of February, 2004.

  
Chad C. Roue

STATE OF California }  
COUNTY OF Santa Clara } ss.

On Feb 6, 2004, before me, Lou Poulain, personally appeared Chad C. Roue personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Erik R. van der Burg

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Erik R. van der Burg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

BEST AVAILABLE COPY

Application No.: 10/771,845  
 Filing Date: February 4, 2004

PATENT  
 Client Code: MVMDINC.019A  
 Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Chad C. Roue

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Chad C. Roue personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10<sup>th</sup> day of February, 2004.

Erik J. van der Burg

STATE OF California

COUNTY OF San Mateo

ss.

On February 4, 2004, before me, Janet M. Leavitt, personally appeared Erik J. van der Burg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

SHL-9000.DOC-2  
 020204

